

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 24, 2003

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

FORTY-THIRD CALENDAR DAY
TWENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 24, 2003

The Senate met in regular session at 1:12 p.m., President Kramer presiding.

Prayer was offered by Father Mark Osterhaus of St. Matthew's Church in Cedar Rapids, Iowa. He was the guest of Senator Stewart. Father Osterhaus is the son of Representative Robert Osterhaus.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Jenna Kovacevich and Kristy Palmer.

The Journal of Thursday, February 20, 2003, was approved.

The Senate stood at ease at 1:15 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:50 p.m., President Kramer presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 2:07 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 2:10 p.m., President Kramer presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 2:11 p.m. until 5:00 p.m.

APPENDIX — 1**COMMUNICATION RECEIVED**

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

February 24, 2003

DEPARTMENT OF ECONOMIC DEVELOPMENT

Community Economic Betterment Account (CEBA) Annual Report for FY 2002.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

American Federation of State, County, and Municipal Employees Local 12 — For 60 years of dedicated service to the employees of the University of Iowa. Senator Dvorsky (2/24/03).

Mr. and Mrs. Henry Delger, Clarion — For celebrating your 70th wedding anniversary on February 25, 2003. Senator Iverson (2/24/03).

Jason Geinger, Gladbrook — For receiving the National FFA's highest honor when awarded with the American FFA Degree at the 75th National FFA Convention. Senator Putney (2/24/03).

Sylvester Peakin, Colo — For celebrating your 90th birthday on February 20, 2003. Senator Iverson (2/24/03).

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

Convened: February 20, 2003, 3:20 p.m.

Members Present: Tinsman, Chair; Johnson, Vice Chair; Hatch, Ranking Member; Bolkcom and Veenstra.

Members Absent: None.

Committee Business: Discussion regarding the Program Elimination Commission.

Adjourned: 4:10 p.m.

BUSINESS AND LABOR RELATIONS

Convened: February 24, 2003, 4:05 p.m.

Members Present: Schuerer, Chair; Lundby, Vice Chair; Dearden, Ranking Member; Courtney, Dotzler, Horn, Johnson, Kettering, Seymour, and Wieck.

Members Absent: McKibben (excused).

Committee Business: Subcommittee assignments and approval of Governor's appointee.

Adjourned: 4:15 p.m.

JUDICIARY

Convened: February 24, 2003, 2:30 p.m.

Members Present: Larson, Vice Chair; Kreiman, Ranking Member; Boettger, Fraise, Holveck, Horn, Kettering, Lamberti, McCoy, Miller, Putney, Quirnbach, and Tinsman.

Members Absent: Redfern, Chair; and McKibben (both excused).

Committee Business: Presentation regarding the Iowa Board of Parole.

Adjourned: 4:05 p.m.

RULES AND ADMINISTRATION

Convened: February 24, 2003, 2:05 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Putney, Ragan, and Sievers.

Members Absent: None.

Committee Business: Passed SRs 12, 14, and 15.

Adjourned: 2:10 p.m.

TRANSPORTATION

Convened: February 24, 2003, 2:15 p.m.

Members Present: Drake, Chair; Putney, Vice Chair; McCoy, Ranking Member; Beall, Dearden, Fraise, Houser, Johnson, Kettering, Rehberg, Shull, Warnstadt, and Ziemann.

Members Absent: None.

Committee Business: Passed [SF 28](#).

Adjourned: 2:45 p.m.

STUDY BILLS RECEIVED

[SSB 1097](#) **Judiciary**

Relating to the department of corrections and its duties regarding treatment and education of inmates at various correctional facilities, release of presentence reports, optional inmate treatment and education provision, expansion of and appeals regarding earned time credits, optional operational provisions for some correctional facilities, change to the inmate savings and inmate telephone rebate fund, and payment of supervision fees.

[SSB 1098](#) **Judiciary**

Relating to the clerk of the district court by changing the method of appointment and removal, by permitting a clerk to serve in more than one county, and by eliminating certain residency requirements.

[SSB 1099](#) **Judiciary**

Relating to emergency procedures for the temporary detention and treatment of persons who are incapacitated or impaired due to substance abuse or mental health problems.

[SSB 1100](#) **Judiciary**

Relating to child endangerment offenses resulting in the death of a child or minor and providing a penalty.

[SSB 1101](#) **Judiciary**

Concerning procedures, duties, and fees related to the judicial branch.

SSB 1102 State Government

To establish an interior design examining board, to provide for the registration of interior designers in order to use the title of registered interior designer, and to provide fees and penalties.

SSB 1103 Human Resources

Relating to the authorization of podiatrists to administer anesthesia.

SSB 1104 State Government

Relating to certain alternative forms of county and city government by providing for county redistricting and representation, charter commission administration, application of various statutory requirements, the manner in which a charter may be proposed and adopted, amendment of a charter, the organization of the governing body, and inclusions in a charter, making technical changes relating to the administration and authority of a city-county consolidated government and a community commonwealth, and including effective and applicability date provisions.

SSB 1105 Judiciary

Relating to real property, including acknowledgements of real property conveyances and limitations on causes of action concerning real property.

SSB 1106 Judiciary

Relating to the Iowa probate code, including provisions relating to state inheritance, gift taxes, and trusts and including an applicability date provision.

SSB 1107 State Government

Providing for the reorganization of certain state departments by establishing a department of administrative services, making related changes, providing penalties, making appropriations, and providing an effective date.

SSB 1108 State Government

Providing for changes relating to pharmaceutical practice and the regulation of licensed pharmacists, and making penalties applicable.

SSB 1109 Commerce

Relating to business entities, based on revisions related to the Iowa business corporation Act, including addition of a savings clause and addition of provisions related to director and officer liability, duty, and indemnification for certain insurance companies and indemnification for cooperative associations.

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 15**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate File 174

HUMAN RESOURCES: Tinsman, Chair; Behn and Holveck

Senate File 175

HUMAN RESOURCES: Hosch, Chair; Kreiman and Tinsman

Senate File 181

HUMAN RESOURCES: Schuerer, Chair; Hosch and Kreiman

Senate File 187

NATURAL RESOURCES AND ENVIRONMENT: Zieman, Chair; Brunkhorst and Kibbie

SSB 1097

JUDICIARY: Larson, Chair; Fraise and Putney

SSB 1098

JUDICIARY: Larson, Chair; Holveck and McKibben

SSB 1099

JUDICIARY: Tinsman, Chair; Boettger and Quirnbach

[SSB 1100](#)

JUDICIARY: Kreiman, Chair; Larson and Miller

[SSB 1101](#)

JUDICIARY: Miller, Chair; Horn and Tinsman

[SSB 1102](#)

STATE GOVERNMENT: Schuerer, Chair; Dearden and Sievers

[SSB 1103](#)

HUMAN RESOURCES: Behn, Chair; Boettger and Ragan

[SSB 1104](#)

STATE GOVERNMENT: Shull, Chair; Drake and Kibbie

[SSB 1105](#)

JUDICIARY: Boettger, Chair; Horn and Putney

[SSB 1106](#)

JUDICIARY: Kettering, Chair; Holveck and McKibben

[SSB 1107](#)

STATE GOVERNMENT: Sievers, Chair; Connolly and Zieman

[SSB 1108](#)

STATE GOVERNMENT: Veenstra, Chair; Courtney and Tinsman

[SSB 1109](#)

COMMERCE: Brunkhorst, Chair; Kettering and Warnstadt

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: [SENATE RESOLUTION 12](#), a resolution regarding preemptive, unilateral military action against Iraq.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Putney, Ragan, and Sievers. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE RESOLUTION 14](#), a resolution honoring Iowa State University student-athlete Jack Trice during Black History Month.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Putney, Ragan, and Sievers. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE RESOLUTION 15](#), a resolution to support the efforts of President George W. Bush and the United States Armed Forces to disarm Iraq.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Putney, Ragan, and Sievers. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EVENING SESSION

The Senate reconvened at 5:02 p.m., President Kramer presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 14](#).

[Senate Resolution 14](#)

On motion of Senator Iverson, [Senate Resolution 14](#), a resolution honoring Iowa State University student-athlete Jack Trice during Black History Month, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of [Senate Resolution 14](#), which motion prevailed by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redfern, until he returns, on request of Senator Iverson.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 12](#).

[Senate Resolution 12](#)

On motion of Senator Holveck, [Senate Resolution 12](#), a resolution regarding preemptive, unilateral military action against Iraq, with report of committee recommending passage, was taken up for consideration.

President Pro Tempore Angelo took the chair at 5:36 p.m.

President Kramer took the chair at 5:45 p.m.

Senator Holveck moved the adoption of [Senate Resolution 12](#).

A record roll call was requested.

On the question "Shall the resolution be adopted?" ([S.R. 12](#)), the vote was:

Yeas, 18:

Beall	Dearden	Hatch	Ragan
Black	Dotzler	Holveck	Seng
Bolkcom	Dvorsky	Horn	Stewart
Connolly	Fraise	Kreiman	
Courtney	Gronstal	Quirnbach	

Nays, 31:

Angelo	Iverson	McCoy	Shull
Behn	Johnson	McKibben	Sievers
Boettger	Kettering	McKinley	Tinsman
Brunkhorst	Kibbie	Miller	Veenstra
Drake	Kramer	Putney	Warnstadt
Gaskill	Lamberti	Rehberg	Wieck
Hosch	Larson	Schuerer	Zieman
Houser	Lundby	Seymour	

Absent, 1:

Redfern

The motion lost.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 15](#).

[Senate Resolution 15](#)

On motion of Senator Iverson, [Senate Resolution 15](#), a resolution to support the efforts of President George W. Bush and the United States Armed Forces to disarm Iraq, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal offered amendment [S-3017](#), filed by him from the floor to pages 1–5 of the resolution, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3017](#) be adopted?” ([S.R. 15](#)), the vote was:

Yeas, 21:

Beall	Dotzler	Horn	Seng
Black	Dvorsky	Kibbie	Stewart
Bolkcom	Fraise	Kreiman	Warnstadt
Connolly	Gronstal	McCoy	
Courtney	Hatch	Quirnbach	
Dearden	Holveck	Ragan	

Nays, 28:

Angelo	Houser	Lundby	Seymour
Behn	Iverson	McKibben	Shull
Boettger	Johnson	McKinley	Sievers
Brunkhorst	Kettering	Miller	Tinsman
Drake	Kramer	Putney	Veenstra
Gaskill	Lamberti	Rehberg	Wieck
Hosch	Larson	Schuerer	Zieman

Absent, 1:

Redfern

Amendment [S-3017](#) lost.

President Pro Tempore Angelo took the chair at 6:55 p.m.

Senator Iverson moved the adoption of [Senate Resolution 15](#).

A record roll call was requested.

On the question “Shall the resolution be adopted?” ([S.R. 15](#)), the vote was:

Yeas, 42:

Angelo	Horn	Lundby	Seymour
Beall	Hosch	McCoy	Shull
Behn	Houser	McKibben	Sievers

Black	Iverson	McKinley	Stewart
Boettger	Johnson	Miller	Tinsman
Brunkhorst	Kettering	Putney	Veenstra
Dearden	Kibbie	Quirnbach	Warnstadt
Dotzler	Kramer	Ragan	Wieck
Drake	Kreiman	Redfern	Zieman
Gaskill	Lamberti	Rehberg	
Gronstal	Larson	Schuerer	

Nays, 8:

Bolkcom	Courtney	Fraise	Holveck
Connolly	Dvorsky	Hatch	Seng

Absent, none.

The motion prevailed and the resolution was adopted.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:10 p.m. until 8:30 a.m. Tuesday, February 25, 2003.

APPENDIX — 2**REPORTS OF COMMITTEE MEETINGS****EDUCATION**

Convened: February 24, 2003, 4:10 p.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Angelo, Beall, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Larson, Quirnbach, and Rehberg.

Members Absent: Redfern (excused).

Committee Business: Passed [HF 175](#), approved [SSB 1054](#), and approved the Governor's appointee.

Adjourned: 4:20 p.m.

HUMAN RESOURCES

Convened: February 24, 2003, 2:15 p.m.

Members Present: Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman.

Members Absent: None.

Committee Business: Presentation regarding Medicaid reform. Approval of the Governor's appointees.

Adjourned: 3:05 p.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 16](#), by Fraise, a resolution honoring Iowa Wesleyan College and its Responsible Social Involvement Program.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

[Senate File 188](#), by Sievers, a bill for an act relating to participation in open enrollment in school districts subject to

voluntary desegregation and providing effective date and retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Education**.

[Senate File 189](#), by Rehberg, a bill for an act relating to fire fighter preparedness by creating a fire fighter preparedness fund, by allocating a certain portion of insurance premiums tax to the fire fighter preparedness fund, and making an appropriation and providing a retroactive applicability date.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 190](#), by Lundby, a bill for an act providing for a reduction in annual registration fees for motor vehicles based on federal fuel economy ratings.

Read first time under Rule 28 and referred to committee on **Transportation**.

[Senate File 191](#), by Zieman, a bill for an act providing for the production and marketing of industrial hemp, and providing for penalties.

Read first time under Rule 28 and referred to committee on **Agriculture**.

[Senate File 192](#), by Warnstadt, Stewart, Courtney, Bolkcom, Quirnbach, Beall, Dvorsky, Kibbie, Connolly, Gronstal, Black, Ragan, Holveck, Dotzler, Seng, Dearden, Horn, Kreiman, Hatch, Fraise, and McCoy, a bill for an act providing for free annual consumer access to consumer credit reports, and providing a private right of action.

Read first time under Rule 28 and referred to committee on **Commerce**.

Senate File 193, by Rehberg, a bill for an act providing a property tax exemption and rental income exclusion as incentives for certain landowners to rent agricultural land to certain small farmers.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 194, by McCoy, a bill for an act relating to payments from the personal property tax replacement fund to city-county consolidated governments, multicounty consolidated governments, and community commonwealths.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 195, by McCoy, a bill for an act relating to the filing and qualifying for a claim for reimbursement for rent constituting property taxes paid and including an applicability date provision.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 196, by McCoy, a bill for an act relating to rotation of judges' names on the ballots in certain counties.

Read first time under Rule 28 and referred to committee on **State Government**.

SUBCOMMITTEE ASSIGNMENT

Senate File 188

EDUCATION: Boettger, Chair; Behn and Connolly

COMMITTEE REPORT

EDUCATION

Final Bill Action: **HOUSE FILE 175**, a bill for an act relating to the use of physical plant and equipment levy revenue, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Boettger, McKinley, Connolly, Angelo, Beall, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Larson, Quirnbach, and Rehberg. Nays, none. Absent, 1: Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

HUMAN RESOURCES

Christine Boyken – Child Advocacy Board
Brian Michaelson – Child Advocacy Board

Lynn Ferrell – Mental Health and Developmental Disabilities Commission
Russell Finken – Mental Health and Developmental Disabilities Commission
Jane Halliburton – Mental Health and Developmental Disabilities Commission
Mary Hughes – Mental Health and Developmental Disabilities Commission
Julie Jetter – Mental Health and Developmental Disabilities Commission
Linda Kellen – Mental Health and Developmental Disabilities Commission
Brian Ridler – Mental Health and Developmental Disabilities Commission
Ronald Walls – Mental Health and Developmental Disabilities Commission
Kittie Weston-Knauer – Mental Health and Developmental Disabilities Commission

AMENDMENT FILED

[S-3017](#) S.R. 15 Michael E. Gronstal